

_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A PERSON WHO IS ALLOWED TO USE DYED DIESEL FUEL IN A MOTOR VEHICLE A TAX REFUND ON TAXES PAID ON SPECIAL FUEL IN A VEHICLE THAT IS USED TO TRANSPORT PERSONAL PROPERTY ON A DESIGNATED PORTION OF A PUBLIC ROAD; REQUIRING THAT THE PERSON OBTAIN A TRIP PERMIT FROM THE DEPARTMENT OF TRANSPORTATION; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Trip permit for designated use. (1) A person who would otherwise be

allowed to use dyed diesel fuel in a motor vehicle may use the vehicle for the transportation of personal property on a designated portion of a public road or highway of this state for a distance of 1 mile or less as provided in this section. The person is required to use undyed diesel fuel in the motor vehicle that is operated on the designated portion of the public road or highway but may claim a refund as provided in [section 2] for taxes paid on special fuel attributable to the purposes of this section.

(2) The person shall apply each year to the department, on a form provided by the department, for a trip permit for each motor vehicle to be operated on a designated portion of a public road or highway. Except as provided in subsection (6), the application must:

(a) state that the motor vehicle is used primarily for the transportation of personal property on a public road or highway;

(b) specify the designated portion of the public road or highway upon which the motor vehicle is to be operated; and

(c) provide other information required by the department.

(3) Upon approval of the application, the department shall issue a nontransferable trip permit and a county-coded decal and collect a \$25 nonrefundable fee from the person for deposit in the state special revenue fund for the department. The trip permit and decal are for the current calendar year in which the vehicle is used on a public road or highway.

(4) (a) The trip permit must be exhibited for inspection at the request of any motor carrier services

1 division employee, Montana highway patrol officer, authorized employee of the department, or any other law
2 enforcement officer. The person is responsible for reproducing clear and legible copies of the permit.

3 (b) The county-coded decal must be displayed in a conspicuous location on the rear of the vehicle
4 subject to the provisions of this section.

5 (5) A person who violates the provisions of this section is guilty of a misdemeanor and shall be fined
6 not more than \$250 for each violation.

7 (6) (a) A person may operate the motor vehicle on a public road or highway that is not on the designated
8 portion specified in the trip permit for the purposes of maintenance, service, or repair of the vehicle.

9 (b) Before the vehicle is operated on a public road or highway allowed by subsection (6)(a), the owner
10 of the motor vehicle shall notify the Montana highway patrol of the date the motor vehicle will be operated on
11 a public road or highway, the intended destination of the motor vehicle, the period of time that the motor vehicle
12 will be at that location, and the date the motor vehicle will be returned to its primary location.

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14 **NEW SECTION. Section 2. Refund of special fuel tax for designated use.** (1) A person who
15 purchases and uses any special fuel on which the special fuel tax has been paid for a vehicle described in
16 [section 1] is allowed a refund of the amount of tax paid directly or indirectly on the special fuel used for the
17 purposes of [section 1].

18 (2) In claiming the refund, the person shall provide the following information to the department:

19 (a) the total number of miles traveled on public roads by the vehicle;

20 (b) the total number of gallons of special fuel used in the vehicle for transporting personal property; and

21 (c) purchase invoices showing all special fuel handled through bulk storage.

22 (3) The application for refund is as provided in 15-70-364.

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24 **NEW SECTION. Section 3. Codification instruction.** [Sections 1 and 2] are intended to be codified
25 as an integral part of Title 15, chapter 70, part 3, and the provisions of Title 15, chapter 70, part 3, apply to
26 [sections 1 and 2].

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28 **NEW SECTION. Section 4. Effective date.** [This act] is effective July 1, 2005.

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30 **NEW SECTION. Section 5. Applicability.** [This act] applies to special fuel purchased on or after July

1 1, 2005.

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